

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13380 of D.C. Government, Department of Housing and Community Development, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the use provisions (Sub-section 3104.3), the height requirements (Sub-section 3201.1 and Paragraph 7107.21 and 7107.23), the prohibition against allowing a driveway less than fourteen feet in width (Sub-section 7206.7) and from the recreation space requirements (Paragraph 5302.21) for a proposed addition to and conversion of an existing school building to an apartment house for the elderly in an R-4 and C-2-A Districts at the premises 650 Rhode Island Avenue, N.W., (Square 444, Lots 801 and 802).

HEARING DATE: November 19, 1980
DECISION DATE: January 7, 1980

FINDINGS OF FACT:

1. The subject site is located on the east side of 7th Street between Q Street and Rhode Island Avenue and is known as 650 Rhode Island Avenue, N.W.
2. The lot area of the site is 60,586 square feet, of which 28,154.86 square feet is in a C-2-A District and 32,431.65 square feet is in an R-4 District. The lot width is 244.67 square feet. The R-4 zoning is to the rear of the structure.
3. The site is improved with an existing four story brick building which is to be converted and an existing one story brick building which is to remain as is. The property constituted the former Shaw Junior High School.
4. The applicant proposes to construct a rear addition of five stories to be connected to the existing four story building. There is a setback of seventy-two feet from the addition to the rear of the property line. The entire property will be used as an apartment house for the elderly and handicapped persons.
5. The entire rehabilitated structure will contain 135,377 square feet of space. There will be 147 units comprising twenty-four efficiency units, 119 one-bedroom units and four two-bedroom units. Each unit will have its own kitchen and bathrooms. The handicapped tenants will occupy the lower floors. It is anticipated that the U.S. Department of Housing and Urban Development will provide funds at below market-rate interest for the rehabilitation of the former junior high school into an apartment house.

First priority will go to those tenants who were displaced because of development under the Shaw Area Urban Renewal Plan.

6. Parking will be located to the rear of the existing building and the proposed addition. The Zoning Regulations require that there be twenty-eight parking spaces. The applicant will provide forty-nine spaces. Two spaces will be allocated to the handicapped. Shrubbery will be planted at the rear of the parking area to hide the parking site from the dwellings on Marion Street.

7. The applicant is requesting a variance from the use provisions to permit an addition to an existing building being converted into an apartment house. The R-4 District permits a height of three stories. The addition will be five stories. A variance of two stories is requested. The height of the new addition in the R-4 District will be 48.58 feet. The Zoning Regulations permit forty feet. A variance of 8150 feet is requested. Under the Zoning Regulations, the residential recreation space of twenty percent required is 19,054 square feet. The applicant will provide 5,000 square feet. A variance of 14,054 square feet is requested. The applicant is providing a driveway of ten feet. The Zoning Regulations require a width of fourteen feet. A variance of four feet is requested.

8. The height of the existing structure is 59.95 feet. The new addition will measure 48.7 feet. The application testified that the addition exceeds the height requirements of the R-4 District because the architect wanted to maintain the same floor levels throughout so that no steps would be involved for the elderly and the handicapped.

9. The applicant testified that with respect to the recreation space, immediately to the rear of the front entrance of the building will be a sitting room and recreation area of 800 square feet. Down the corridor parallel to 7th Street there will be an activity room containing 1700 square feet of area. To the rear of the building at 7th Street there will be a sunken garden of 1507 square feet in area. On each floor of the front entrance of the building is a sitting room area measuring 250 square feet. It will be glass enclosed and open on to the hallway of the existing structure. The applicant further testified that if the finances are available a roof top recreation area of 2800 square feet will be developed.

10. At the rear of the property the applicant proposes to construct an exit driveway on to Marion Street. The driveway will measure ten feet. It will be used for exit purposes only from the parking spaces. The entrance driveway will measure twenty-four feet. The variance is sought from the fourteen foot requirement in order to accommodate one more parking space. At the right of the proposed driveway is a sewer inlet. To provide the fourteen foot driveway the applicant would have to disturb the sewer inlet and move it further to the north.

11. At the public hearing the Shaw Project Area Committee testified in favor of the application. The Committee expressed concerns that it wanted to be certain that the facilities both inside and outside are easily accessible to the handicapped and that the proposed development would not aggravate the parking situation in the neighborhood.

12. The Downtown Shaw Neighborhood Association testified in favor of the application. It also raised concerns about a traffic impact on Marion Street and, landscaping of the rear of the property for the benefit of the residents on Marion Street and Q Street. It expressed further concern as to what would happen to the project if funds are not available for the present sponsors. As to this last concern, the Board advised that a new application would have to be filed and processed through the Zoning Administrator in the first instance. As to the other concerns of the groups the Board in its Order will condition the granting of the application as to the plans approved by the Board.

13. There was no opposition to the application.

14. Advisory Neighborhood Commission 2C made no recommendation on the application.

15. At the close of the public hearing the record was left open for the applicant to submit further evidence on the landscaping plan, the method of trash removal, a report from the architect concerning the building's accessibility for handicapped persons, a statement from the engineer concerning the structural condition of the building, floor plans indicating the precise dimensions of areas for recreation and open space use and a statement as to the parking requirements for the now existing buildings for the elderly. This evidence was received prior to the date of the decision on this application and marked as Exhibits No. 19 and 22 of the record.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking a variance from the use provisions to permit an addition to an existing building being converted to an apartment house in an R-4 District and area variances as to the requirements of the Zoning Regulations for height, driveway width and recreational space. As to the use variance it can be granted where there is evidence that there is a hardship inherent in the property itself. The R-4 District is designed to include those areas now developed primarily with row dwellings and to stabilize the remaining one family dwellings. An apartment house is not a permitted use. The Board notes that the subject property is zoned both C-2-A and R-4. The proposed addition is in the R-4 District. The main existing structure is zoned C-2-A. The applicant is furthering the plans of the D.C. Government in providing additional housing facilities, more particularly for the elderly, handicapped and persons displaced from other urban renewal sites. The applicant would be eliminating what now constitutes a blight in the immediate area. The Board concludes that the hardship is inherent in the property because of the existence of the main structure on the site and the fact that the site is split-zoned.

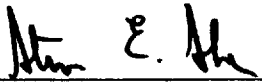
As to the area variances the applicant must establish a practical difficulty inherent in the property itself. The Board notes that the proposed height of the addition will be less than the main structure and that the variance is required to maintain the same floor level in both buildings to meet the specific needs of the elderly and the handicapped. As to the recreational area variances, the recreational area is limited because of the existence of the main structure on the site and the amount of area which it occupies. As to the driveway it is to be used for exit only for forty-nine parking spaces. As to the driveway variances, to widen the driveway would be to eliminate one parking space and also require the removal of the existing sewer inlet to the north. The Board concludes that the practical difficulty on which the three area variances are based is inherent in the property. The Board further concludes that the use and area variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED in accordance with the plans submitted to the record.

VOTE: 5-0 (Theodore F. Mariani, William F. McIntosh, Charles R. Norris, Douglas J. Patton and Connie Fortune to grant).

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 12 MAR 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.